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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Applicant: Nakano)	Art Unit: 2623
)	
Serial No.: 09/839,000)	Examiner: Hossain
)	
Filed: April 21, 2001)	50P4426
)	
For: SYSTEM AND METHOD FOR INTERACTIVE)	May 22, 2006
TELEVISION)	750 B STREET, Suite 3120
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)	

REPLY BRIEF

Commissioner of Patents and Trademarks

Dear Sir:

This brief responds to the Examiner's Answer dated May 18, 2006.

(a) Appellant's argument related to Claim 7 has not been squarely addressed in the Answer. Instead, it has been responded to by an unsupported allegation that "tailoring virtual channels to a consumer profile is equivalent to restricting consumers from viewing virtual channels." That allegation is a conclusion of law, but the underlying findings of fact that are supposed to support such a conclusion of law are nowhere identified, much less has evidence of record relied on to arrive at the unstated findings of fact been identified. An ultimate legal conclusion unshorn of findings of fact supported by evidence of record cannot simply be decreed, although it can be reversed.

The Answer also proposes an "alternative" reading of Nobakht which evidently is meant to equate ratings codes with tailoring virtual channels. It is unclear what the import of this allegation is, but what is important is that nowhere does the examiner contend that Appellant's argument in the Appeal Brief is wrong,

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only that in some oblique way something in Nobakht has been decreed by the examiner to equal a different thing in the claim.

(b) Appellant's argument that Greer et al. does not download only changed portions of web pages likewise has not been directly contradicted. Instead, the Answer alleges that "the claim does not disclose (sic) that the updated portions of the Web page be downloaded all the time only that updated portions are downloaded." Regardless of the purpose of this opaque portion of the Answer, Claim 1 indeed recites that "in the event of an update, only updated portions of a Web page corresponding to the virtual channel are downloaded", whereas Greer, col. 7, lines 63-67 (relied on in the Answer) does no such thing. Instead, as Appellant has accurately pointed out, Greer downloads the entire web page during an update, and the relied-upon portion of Greer does not state otherwise notwithstanding the misleading allegation in the Answer to the contrary.

The Answer concludes with a *non-sequitur* by alleging that because Greer "discloses enabling one or more objects of the Web page, then Greer meets the claimed "only updated portions of a Web page corresponding to a virtual channel are downloaded."" Left unexplained, much less illuminated by an articulated finding of fact supported by identified evidence of record, is why, precisely, "enabling one or more objects of the Web page" equals downloading only the updated portions of a page, particularly when the examiner has come up blank in identifying any portion of Greer that actually states that only updated portions of web pages are in fact downloaded.

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Respectfully submitted,



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